REMARKS

Claims 1-27 are pending in this application. Claims 1 and 22 are independent. In light of the remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 4-6, 9-10, 22, 24, and 26-27 under 35 U.S.C. §102(e) as being anticipated by *Brennan et al.* (U.S. Patent Application Publication No. 2002/0077829); claims 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Freeman et al.* (USP 6,828,992); claims 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Manolis et al.* (USP 6,583,799); claims 11-12, 15-16, and 19-20 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Eleftherladis et al.* (U.S. Patent Application Publication No. 2002/0024539); claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Eleftherladis et al.* and further in view of *Freeman et al.*; claims 14 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Eleftherladis et al.* and further in view of *Manolis et al.*; and claims 21, 23, and 25 under 35 U.S.C. §103(a) as being unpatentable over *Brennan et al.* in view of *Eleftherladis et al.* and further in view of *Humpleman et al.* (USP 6,182,094). Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the Interview conducted on November 15, 2005. During the Interview, the parties agreed that *Brennan et al.* does not support a client application comprising a program which causes the client computer to provide a function of performing operations defined for the display menu buttons as recited in claim 1. Based upon this agreement, Applicant respectfully requests that the Examiner withdrawal the outstanding rejections and the finality of the outstanding Official Action and update his search.

Claim Rejections – 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Brennan et al.* discloses a client computer to provide a function of communicating with the server to obtain the button information from the server (paragraph 35, lines 1-10) and a function of performing operations defined for the display menu buttons (paragraph 34, lines 10-13). Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Brennan et al.* is directed to a speech based status and control user interface customizable by the user. As disclosed in Fig. 4A, a block diagram is depicted which enables a user to configure application system for 430. Input device 410 provides the user with the graphical interface by which the configuration will be performed (paragraph 0035).

In contrast, Fig. 4B illustrates a block diagram of a system wherein the run time component of the invention is employed. The user employs command input device 431 to access the system where command input device 431 is preferably a microphone that may be included in a users telephone set (paragraph 0037).

Brennan et al. clearly depicts Fig. 4A and Fig. 4B as separate systems. As such, the Examiner's reliance on command input device 431 to perform operations defined for the displayed menu buttons (as described with regards to Fig. 3) is not a client application comprising a program which causes the client computer to perform operations as set forth in claim 1. Input device 410 is clearly separate and distinctly described from command input device 431 in *Brennan et al.* As such, the Examiner's reliance on these two separate input devices to perform the functions as set forth in claim 1 is improper and does not rise to the level of *prima facie* anticipation. It is respectfully requested that the outstanding rejection be withdrawn.

In support of the Examiner's rejection of claim 2, the Examiner admits that *Brennan et al.* fails to disclose an update button operated by the user to update the menu. The Examiner relies on the teachings of *Freeman et al.* to teach the GUI screen of the client application having an

update button operated by a user to instruct the menu buttons to be updated citing to column 3, lines 54-61. Again, Applicant disagrees with the Examiner's characterization of this reference.

The disclosure of *Freeman et al.* is directed to a user interface with a dynamic menu option organization. Specifically, *Freeman et al.* discloses a unitary remote control device that automatically updates assignments of menu options to buttons. For example, in column 3, lines 51-67, *Freeman et al.* discloses that this may be done when the device is powered up, after a pre-determined time interval, when the account values of the usage of the buttons allows for drawing statistically relevant conclusions as to which buttons are the most important ones and which are not, etc. However, there is no teachings or suggestion in *Freeman et al.* that is directed to an update button being operated by a user to instruct the menu buttons to be updated. Further, there is no teaching or suggestion in *Freeman et al.* that is directed when the update button is operated, the client application transmits an update request to the server and in response to the update request, the server provides the button information to the client application. As such, Applicant maintains that the combination of the references fails to teach or suggest all of the claim elements as suggested by the Examiner.

In addition to the above arguments, Applicant maintains that there is not sufficient motivation to combine the teachings of the references as asserted by the Examiner. *Freeman et al.* discloses a unitary remote control device that incorporates the updating functionality within the remote control device. There is no indication that the remote control device operates in a network. Further, the remote control device merely updates the button information based on usage information which is solely stored within the remote control device. As such, Applicant maintains that one skilled in the art would not look to the teachings of *Freeman et al.* to modify the teaching of *Brennan et al.* as suggested by the Examiner. As there is insufficient motivation to combine the references as suggested by the Examiner, Applicant maintains that claim 2 is patentable over the references as cited.

It is respectfully submitted that claims 3-21 and 26 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1. It is further respectfully submitted that claim 22 includes elements similar to those discussed above with

regard to claim 1 and thus claim 22, together with claims dependent thereon, are not anticipated by *Brennan et al.*
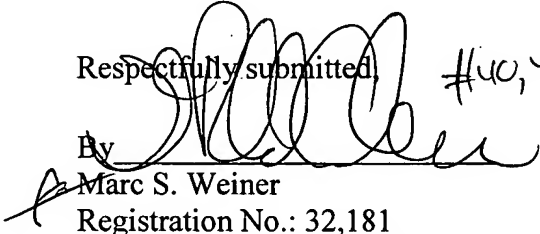
Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 23, 2005

Respectfully submitted,

By

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